

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX  
DIGITAL GROUP LLC; DAVID  
SCHAEFER; JORDAN GREEN;  
JEFFREY CONWAY; and JAMES MAY,

Defendants.

No. 2:21-cv-811-TSZ

**SUPPLEMENTAL DECLARATION OF  
CHRISTIAN W. MARCELO IN  
SUPPORT OF PLAINTIFF'S MOTION  
FOR DISCOVERY SANCTIONS AND  
TO COMPEL DISCOVERY RESPONSES**

**EXHIBIT T FILED UNDER SEAL**

I, Christian W. Marcelo, declare as follows:

1. I am an attorney licensed to practice law before the courts of the State of Washington. I am Counsel at Perkins Coie LLP, and counsel in this action for Plaintiff Bungie, Inc. ("Bungie" or "Plaintiff"). I submit this declaration in support of Plaintiff's Reply in Support of Plaintiff's Motion for Discovery Sanctions and to Compel Discovery Responses. I have personal knowledge of the facts stated herein and, if called upon, could and would testify competently thereto under oath.

2. Attached hereto as **Exhibit R** is a true and correct copy of a letter dated November 20, 2020 addressed from Defendant Jeffrey Conway to Bungie's counsel Mark Humphrey (Mitchell Siverberg).

SUPPL. MARCELO DECL. ISO  
PLAINTIFF'S MOT. FOR SANCTIONS  
AND COMPEL

**Perkins Coie LLP**  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

5. On March 14, 2023, in response to Bungie’s discovery request for “Copies of all data and files generated and stored on your personal computer and/or external hard drive that you claim were accessed by Bungie,” Mr. May produced five files bearing the following file names: reclasskernel64.sys; reclass.net.exe; blah64.exe; cheatengine-x86\_64.exe; and renamedreclass.exe.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 14th day of April, 2023.

/s/Christian W. Marcelo  
Christian W. Marcelo

# EXHIBIT R

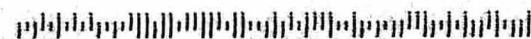
COLUMBIA SC 290

21 NOV 2020 PM 2 L



MARK C. HUMPHREY  
2049 CENTURY PARK EAST  
18<sup>TH</sup> FLOOR  
LOS ANGELES, CALIFORNIA 90067-3120

90067-312018



Mark C. Humphrey  
2049 Century Park East,  
18<sup>th</sup> Floor  
Los Angeles, California 90067-3120

November 20, 2020

To Whom It May Concern:

Your correspondence was received with regards to Bungee games. I regret to inform you that I know longer own Aimjunkies.com or any other sites that you named. The referenced sites were sold to Phoenix Digital Group LLC, and Phoenix Digital Group in turn sold them to CallofDutyHacks.RU site owners some time ago. Those are individuals I would suggest you contact with regards to your concerns.

I am requesting that your firm cease from contacting me moving forward, with all related correspondence with regards to the named websites. If you continue to contact me, I will seek legal relief from your harassment.

Thank you,

Jeff Conway

# EXHIBIT S



1201 Third Avenue  
Suite 4900  
Seattle, WA 98101-3099

T +1.206.359.8000  
F +1.206.359.9000  
PerkinsCoie.com

December 11, 2020

Holly M. Simpkins  
HSimpkins@perkinscoie.com  
D. +1.206.359.6474  
F. +1.206.359.7474

**VIA EMAIL & OVERNIGHT MAIL**

Jeffrey Conway  
8837 W. Vernon Avenue  
Phoenix, AZ 85037  
sctejeff@hotmail.com

**Re: Response to Your November 20, 2020 Letter**

Dear Mr. Conway:

We are counsel to Bungie, Inc. ("Bungie"). We write to follow up regarding your letter dated November 20, 2020 in response to Mr. Humphrey's November 4, 2020 letter.

In your letter, you claim you sold the websites AimJunkies.com, mombotcheats.com, and virtual-advantage.com and assets to Phoenix Digital Group LLC (for which you are a managing member), which then sold the websites and assets to the owners of CallofDutyHacks.RU. Until we receive all documents relating to these transactions along with full and complete contact information for the purported new owners, we will assume that you and/or Phoenix Digital Group LLC still own, control and/or derive benefit from these websites and assets.

Additionally, Bungie reiterates its demand that you provide an accounting of the revenue you and/or Phoenix Digital Group LLC earned from the sale of Destiny 2 cheat software. If the sale of the websites and assets to CallofDutyHacks.RU occurred, Bungie also demands that you provide an accounting of the revenue earned from that sale as well as any ongoing revenue you receive from the sale of Destiny 2 cheat software including but not limited to through a license, royalty or other arrangement.

Preservation of all evidence relevant to the activities described in this or Mr. Humphrey's November 4 letter is required. Destruction or deletion of any evidence may result in serious legal consequences, including severe sanctions. Therefore, we demand that you take appropriate steps to preserve all documents or other evidence relating to this matter.

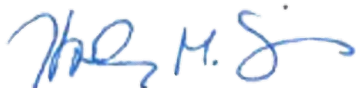
If we do not receive the requested information by **December 18, 2020**, Bungie may take legal action without further notice to you.

If you are represented in this matter by legal counsel, provide this correspondence to that counsel.

Jeffrey Conway  
December 11, 2020  
Page 2

Bungie reserves all rights and remedies.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Holly M. Simpkins". The signature is stylized with a large initial "H" and a long, sweeping underline.

Holly M. Simpkins



# EXHIBIT T

# FILED UNDER SEAL